



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*86 Chambers Street
New York, New York 10007*

April 23, 2021

BY ECF

Honorable Lewis A. Kaplan
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: *MAZON: A Jewish Response to Hunger, et al., v. U.S. Dep't of Health and Human Services, et al.*, 21 Civ. 475 (LAK)

Dear Judge Kaplan:

This Office represents the defendant federal agencies and government officials in their official capacities (together, the "government") in the above-captioned action under the Administrative Procedure Act. As the parties previously proposed, *see* March 19, 2021 Letter, Dkt. No. 60, I write jointly with counsel for plaintiffs to provide a status update.

Status update. This week, the parties discussed the government's ongoing review of the issues raised in this case and whether it is possible to resolve the case without litigation. The parties will provide a further update in our next letter. We respectfully propose this be filed by May 21, 2021.

Request to so-order the parties' agreed schedule. The parties' March 19 joint letter proposed a schedule for this litigation. We have reproduced the schedule below, except we propose that we provide a status update by June 25 in addition to May 21. The parties respectfully request that the court so-order the schedule letter to give binding effect to the parties' agreement.

- The government's time to answer or otherwise respond to the complaint is adjourned without date.
- The case will be stayed until April 23, 2021, when a status report is due. The parties will meet and confer the week of April 19 to discuss whether it is possible to resolve the case without litigation.
- By May 21, 2021, the parties will file another status report. The parties will meet and confer starting the week of May 17 to discuss whether it is possible to resolve the case without litigation.
- By June 25, 2021, the parties will file another status report. The parties will meet and confer the week of June 21 to discuss whether it is possible to resolve the case without litigation.

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- By July 23, 2021, the government will produce a draft administrative record to the plaintiffs. By August 20, 2021, the government will produce the final administrative record. The parties will meet and confer about the contents of the administrative record between July 23 and August 20.
- By September 24, 2021, plaintiffs will file any motion for summary judgment.
- By October 22, 2021, the government will file any cross-motion for summary judgment and any motion to dismiss, supported by a single brief.
- By November 19, 2021, plaintiffs will file, in a single brief, any reply in support of their summary judgment motion, and any opposition to the government's summary judgment motion or motion to dismiss.
- By December 10, 2021, the government will file, in a single brief, a reply in support of any summary judgment motion or motion to dismiss it has filed.

We thank the Court for its attention to this matter.

Respectfully submitted,

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Southern District of New York

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